

AMENDED IN SENATE MAY 15, 2003

AMENDED IN SENATE APRIL 24, 2003

SENATE BILL

No. 731

Introduced by Senators Brulte and Denham

February 21, 2003

~~An act to amend Sections 3351, 3352, and 3363.5 of, and to repeal Sections 3370 and 3371 of, the Labor Code, and to amend Sections 2601, 4017, and 4024.2 of, and to repeal Section 5069 of, the Penal Code, relating to workers' compensation. An act to add Section 4453.1 to the Labor Code, relating to workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Brulte. Workers' compensation: ~~state and local inmates: temporary disability benefits.~~

~~Existing law requires that each inmate of a state penal or correctional institution be entitled to workers' compensation benefits for an injury arising out of, and in the course of, assigned employment and for the death of the inmate if the injury proximately causes death, subject to prescribed conditions. Existing law requires the Administrative Director of the Division of Workers' Compensation to formulate procedures for the selection and orderly referral of injured inmates of state penal or correctional institutions who may be benefited by rehabilitation services and retrained for other positions upon release from incarceration.~~

~~This bill would repeal these requirements and would make conforming changes.~~

Existing law provides that whenever ~~certain~~ persons confined in the county jail, industrial farm, road camp, or city jail suffer injuries or

death while working in the prevention or suppression of forest, brush, or grass fires, he or she shall be considered to be an employee of the county or city, respectively, for purposes of workers' compensation. ~~Existing law further provides that, as a condition of assigning participants of a work release program to perform manual labor in support of nonprofit organizations, the board of supervisors of any county shall obtain workers' compensation insurance to cover work-related injuries incurred by those participants.~~

~~This bill would delete these provisions:~~

~~Existing law excludes various persons from the definition of employee for purposes of workers' compensation.~~

~~This bill would exclude from this definition certain persons confined in the county or city jail, regardless of whether the services performed are on a voluntary or involuntary basis, and would make conforming changes. Existing law provides that persons performing certain duties under a county work release program shall be eligible for workers' compensation.~~

~~Existing law specifies the amount of average weekly earnings that are used in computing average annual earnings for the purposes of temporary disability indemnity benefits.~~

~~This bill would provide that for purposes of determining temporary disability benefits for any person entitled to benefits under the workers' compensation law as a result of an injury sustained by an inmate of any county jail, industrial farm, road camp, or city jail, or by an inmate assigned to a county work release program, the average weekly earnings shall be taken at the minimum amount set forth in the above provision regarding the calculation of temporary disability benefits, or the actual weekly wages lost due to disability resulting from the injury, whichever is less.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 3351 of the Labor Code is amended~~
- 2 *SECTION 1. Section 4453.1 is added to the Labor Code, to*
- 3 *read:*
- 4 *4453.1. Notwithstanding any other provision of law, for*
- 5 *purposes of determining temporary disability benefits for any*
- 6 *person entitled to benefits under this division as a result of an*

1 *injury sustained by an inmate of any county jail, industrial farm,*
2 *road camp, or city jail, or by an inmate assigned to a work release*
3 *program under Section 4024.2 of the Penal Code, the average*
4 *weekly earnings shall be taken at the minimum amount set forth in*
5 *Section 4453 or the actual weekly wages lost due to disability*
6 *resulting from the injury, whichever is less.*

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**All matter omitted in this version of the
bill appears in the bill as amended in the
Senate April 24, 2003. (JR 11)**

